

R E M A R K S

In the first Office Action, the Examiner rejected claims 1-19, all of the claims, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,476,419 B1 (Yasuda) in view of U.S. patent No. 5,694,185 (Oh). Applicant respectfully traverses this rejection.

In stating the rejection, the Examiner characterizes the Yasuda disclosure using what is essentially a copy of the text in lines 1-15 of the Abstract in that patent, with reference characters removed and other very minor editorial changes made. Similarly, in characterizing the Oh disclosure, the Examiner offers text appearing in the first two lines of the Abstract, along with the statement, "where the required contact hole and the capacitor electrode configuration are disclosed." The Examiner has not provided a clear identification of elements in the Yasuda and Oh display devices that correspond with elements recited in Applicant's claims. Surely, the Examiner will concede that the vagueness of the rejection is at odds with accepted practice at the Patent and Trademark Office and unfairly places Applicant in the position of having to speculate as to the specific disclosures in the Yasuda and Oh patents that the Examiner regards as meeting the requirements of Applicant's claims under 35 U.S.C. 103.

The display device shown in Figs. 5A and 6 of the Yasuda patent incorporates a capacitor 70 formed between storage capacitor electrode 55 and

storage capacitor electrode 54. Another capacitor 80 is formed between storage capacitor electrode 55 and storage capacitor electrode 56. There is no disclosure or suggestion in Yasuda that any of the electrodes 54, 55, 56 of the two capacitors functions as a gate line, as required by Applicant's independent claims 1 and 12. There is no disclosure or suggestion in Yasuda of using a contact hole passing through the two storage capacitors to connect any two of the electrodes 54, 55, 56, let alone a gate line and the capacitor electrode, as required by Applicants claim 1. There is no disclosure or suggestion in Yasuda of a fabricating method as recited in Applicant's claim 12, wherein at least two contact holes are defined to expose the gate line, and wherein a capacitor electrode formed on the protective layer electrically contacts the gate line formed on the substrate. Moreover, such connections would be in conflict with the explicit disclosure in Yasuda of the construction of the capacitors 70 and 80.

Applicant is indeed mystified as to what disclosure in the Oh patent can be used to remedy the deficiencies in the Yasuda patent vis-à-vis the requirements of Applicant's claims, as pointed out above. If there is such a disclosure, Applicant is at a loss to find any reasons in either Yasuda or Oh for combining disclosures in the two patents as proposed by the Examiner.

In view of the foregoing discussion, Applicant submits that the Yasuda and Oh patents cannot properly serve as a basis for rejecting any of Applicant's

claims under 35 U.S.C. 103, and the Examiner has failed to meet the initial burden of establishing a *prima facie* case of obviousness.

Accordingly, Applicant respectfully requests that the rejection stated in the first Office Action be withdrawn and that all of the claims in this application be recognized as allowable.

The other references cited by the Examiner have not been applied against Applicant's claims and do not warrant discussion by Applicant.

In view of the above remarks, reconsideration of the rejections, and allowance of all of the claims of the present application are respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached hereto.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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